REMARKS

Claims 1-3 were rejected as being anticipated by Markowitz et al. (US 5,601,615). Markowitz discloses a scheme for determining atrial capture involving injecting a test stimulus prematurely within a pacing cycle and monitoring for a sensed event within a time window when a natural or conducted depolarization would be expected to follow a preceding natural or conducted depolarization. The time window is a Not Reset Window (NRW), which follows the delivery of a test stimulus and is established to identify detected atrial events occurring at about the average measured escape interval from the preceding atrial event. Col. 20, lines 55-60.

The scheme in Markowitz does not take into account the normal physiologic variation in a patient's sinus rhythm. New claim 7 is directed to a scheme described at pages 13-15 wherein the normal physiologic variation in a patient's sinus rhythm is taken into account. More specifically, claim 7 recites a means for establishing a loss of capture window during a second cardiac cycle, the loss of capture window including a negative sensing interval within a reference A-A time interval corresponding to the time interval determined for a previous cardiac cycle, wherein the negative sensing interval ends coincident with the end of the reference A-A time interval, and a positive sensing interval of approximately the same duration as the negative sensing interval, wherein the positive sensing interval begins coincident with the end of the reference A-A time interval. This structure and functionality is not present in Markowitz.

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Accordingly, claims 7-10 are neither anticipated by nor rendered obvious from Markowitz.

Respectfully submitted,

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March 28, 2005
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